



# **Consent and Capacity Board**

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## **Applying for a Review of Someone Else's Decision to Consent to your Admission for the Purpose of Treatment (Form F)**

## Applying for a Review of Someone Else's Decision to Consent to your Admission for the Purpose of Treatment (Form F)

If you have been found incapable of making decisions about treatment, a course of treatment or a plan of treatment and someone else has consented to your admission to a hospital, or psychiatric facility, for the purpose of that treatment, you may apply to the Consent and Capacity Board for a hearing to review this decision.

Whenever an application of this type is received, the law provides that the patient is deemed to have applied for a review of his or her capacity to make the relevant decision. This does not apply if the Board has determined this issue of capacity within the previous six months.

### How do I apply?

You can fill out the application (Form F) by yourself or with the help of someone else. The form may be available where you got this information sheet. If you cannot find an application form you may call the Board for assistance or check our web site at [www.ccboard.on.ca](http://www.ccboard.on.ca). Any young person may also call the Child and Family Services Advocacy Office at 1-800-263-2841.

**If you are at least 12 but under 16 years of age, and someone else has consented to your admission to a psychiatric facility for the purpose of treatment, you should not use a form F. Instead, you should apply to the Board using application Form 25. You can fill the form out by yourself or ask a rights adviser or someone else to help you.**

### Do I need a lawyer at the hearing?

It may be a good idea to have a lawyer represent you but you do not have to have one. You may contact a lawyer on your own or through the Lawyer Referral Service. Their number is listed in the White Pages under The Law Society of Upper Canada and in the Yellow Pages under Lawyer Referral Services. You may be entitled to a Legal Aid lawyer free of charge.

In some cases, the Board can order that legal representation be arranged for you before the hearing is scheduled. If you come to the hearing without a lawyer, the Board may order that legal representation be arranged for you.

### Can I be admitted and treated before the hearing?

You may be admitted and treated pending the outcome of the hearing.

**Note: If you are at least 16 years old and the proposed admission is to a psychiatric facility for treatment of a mental disorder, the only substitute decision makers who can consent to your admission against your wishes are:**

- √ a guardian of the person appointed by a court, or
- √ a person holding a validated power of attorney from you that gives them that authority.

### When and where will the hearing be?

You will receive a notice from the Board with the time and place of the hearing. The hearing will take place in the facility where you reside or receive treatment. The hearing will usually be held within one week after the Board receives your application.

## Who are the parties to the hearing?

The parties to the hearing are usually you, the person who consented to your admission and the health practitioner who proposed the treatment.

## What will the Board consider?

The Board will consider your views and wishes and whether the hospital or health facility

- √ can provide the treatment
- √ is the least restrictive place to provide treatment
- √ whether your needs could be more appropriately met somewhere else, and
- √ whether such a place is available.

## What will happen at the hearing?

Each party can attend the hearing and invite anyone they wish. Each party may have a lawyer, call witnesses and bring documents. After the Board has heard what everyone has to say and the hearing is over, the Board will meet in private to make its decision. The Board can order that you be discharged from the facility or the Board can confirm your admission.

The Board will issue its decision within one day. The Board may also issue written reasons explaining its decision. Written reasons will be issued if any of the parties request them within thirty days of the hearing.

## Can I appeal the Board's decision?

A decision by the Board can be appealed to the Superior Court of Justice.

## Contact Us

If you would like to contact the Board or fax an application, please use any of the numbers below:

CCB Numbers
<b>Greater Toronto Area</b> Phone: (416) 924-4961 Fax: (416) 924-8873
<b>Outside Greater Toronto Area</b> Phone: 1-866-777-7391 (Toll Free) Fax: 1-866-777-7273 (Toll Free)

